

A MOTHER'S TESTIMONY.

The Conviction of Richard O'Donnell for the Killing of Thomas Barker.

The trial of Richard O'Donnell of Third avenue and 106th street took place yesterday in the Court of General Sessions, upon an indictment charging him with manslaughter in the first degree in killing Thomas Barker, a retired merchant, aged 66, of 124 East 105th street. The body was found guarded by a pet dog at O'Donnell's door early on the morning of April 4. Mrs. O'Donnell, the prisoner's widowed mother, dressed in black and closely veiled, was present. O'Donnell, a tall, athletic man, about 40 years of age, was dressed with much care, in blue. Upon his glistening shirt front sparkled diamonds.

Assistant District Attorney Hollins asked for a conviction only for manslaughter in the fourth degree.

After testimony to show that O'Donnell had falsely claimed to have been away from home on the night of the manslaughter, the prosecution caned him, and he was sent back to jail in the court room. It is said to have been the first time in the long history of the court that a mother of a criminal was sent to jail with her son.

Mrs. O'Donnell rose slowly from her seat, and, with downcast eyes and deeply flushed cheeks, looked toward the witness stand. She seated herself again, and again her eyes rested upon her son's face. He looked intently at her. She spoke in a whisper, and the stenographer, who sat behind her, heard her words.

Mr. Barker's dog was taken to her house, she testified, on the afternoon of April 3, by her son Richard. At about 8 o'clock, Barker came and asked for the dog, saying that it had been taken from him as a practical joke. She gave it to him. As she was about to retire, at 11 o'clock, she heard a noise in the hall. Her son had directed the servant, Margaret Gannon, not to give up a dog which he brought home with him to any one. At about midnight, however, he came to her room, and Mr. Barker again demanded his dog. Margaret Gannon went to the door, but she did not open it. She told Mr. Barker that he must return the dog to her. He continued to ring the bell. The witness called to Mr. Barker that he should have his dog, and ordered him to go to the door. Barker came and got his dog. But Richard ran up to the door, despite his attempts to induce him not to do so, and, holding the knob in his hand, exchanged a few words with his mother. Then he threw the door, which opens outward, suddenly open, and closing it again with a loud bang. Went to bed. All was quiet outside after the closing of the door.

"Have you not said, Madam?" Mr. Hollins asked. "That you saw your son extend his hand as though to call him?"

Mrs. O'Donnell paused during an interval of intense silence in the court room.

"I have not said, Madam, that to effect," she replied slowly, "but I think that now the gesture was only such as would have made in extending his hand to close the door."

Mr. Hollins then asked Mr. O'Donnell further on this point. At about 6 o'clock on the next morning, she continued, Richard went out of the house, and when he returned, he returned, and, hurrying into her room, said:

"My God! Barker is dead!" A moment after, she said, "You must say I was out last night, and that I did not get home until this morning."

She added: "You must go to the police station and tell the whole truth. Nothing will come of this affair, if you tell the whole truth."

Richard said: "Why can't you say what I say to the police? You know I am innocent. I am put on the witness stand, and I must tell the whole truth."

Dr. James Neill of Madison avenue and 118th street testified that he heard angry words and sounds like those of two severe blows as he passed by the residence of the man on the night of April 3. The defense called this as testimony of Margaret Gannon, which was substantially a corroboration of Mrs. O'Donnell's testimony. Mr. O'Donnell did not testify in his own behalf.

The jury convicted O'Donnell of manslaughter in the fourth degree without quilling their verdict.

The prisoner was remanded.

Recorder Smith said he would like to have evidence touching the character of the prisoner.

"I have some evidence to submit, your Honor," said Mr. Hollins, "to show that the prisoner has served a term in the penitentiary for an assault upon a woman."

SIX MEN KILLED.

The Result of an Attempt to Eject Settlers from Railroad Lands in California.

SAN FRANCISCO, May 12.—The result of the attempt of Marshal Poole to execute writs of ejectment against settlers on land claimed by a railroad company in Tulare and Fresno Counties is just received. A dispatch from Hanford says that six men were killed—Dan Kelly, Walter J. Crow, Ira Knudsen, John Henderson, James Harris and Arch McGroarty, M. D. Hart was seriously, and E. D. Haymaker slightly wounded. The principal shooting was done by Crow, Hart, Henderson, Kelly, and Harris. Matters are quiet this morning, and no further outbreak is apprehended.

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